

**From:** [Goforth, Kathleen](#)  
**To:** [Leidy, Robert](#); [PerezSullivan, Margot](#)  
**Cc:** [Jessop, Carter](#)  
**Subject:** RE: questions from Tony Davis on the Rosemont EIS  
**Date:** Thursday, September 26, 2013 2:20:00 PM

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Margot –

My office, rather than WTR-8, is in a better position to address these questions; however, a couple of them will require some quick research to confirm the information. Carter Jessop is the appropriate staff person; however, he is out of the office until next week, and I am completely tied up through next Tuesday with several high profile deadlines that must be met. If Mr. Davis is willing to wait until October 7, as his message suggests, we would be happy to talk with him then.  
-Kathy

Kathleen Martyn Goforth, Manager  
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**From:** Leidy, Robert  
**Sent:** Thursday, September 26, 2013 11:54 AM  
**To:** Goforth, Kathleen  
**Subject:** FW: questions from Tony Davis on the Rosemont EIS

Hi Kathy,

Carter is out. These are mostly NEPA process questions.

Rob

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**From:** PerezSullivan, Margot  
**Sent:** Thursday, September 26, 2013 11:46 AM  
**To:** Leidy, Robert  
**Subject:** Fw: questions from Tony Davis on the Rosemont EIS

Can you talk about this and/or answer his questions?

Margot Perez-Sullivan

U.S. Environmental Protection Agency

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**From:** Tony Davis <[REDACTED] B6 >  
**Sent:** Thursday, September 26, 2013 2:38:37 PM  
**To:** PerezSullivan, Margot  
**Subject:** questions from Tony Davis on the Rosemont EIS

Margot,

Here are my questions. By the way, depending on my health, I may or will be out of pocket from Oct. 1 or 2 through Oct. 6. So if a phone interview could be arranged for today, tomorrow or Monday, that would be most preferable. If not, I think Monday Oct. 7 would be the soonest I could do it.

1) On page 2 of a Sept. 13 Pima County memo on Rosemont by Linda Mayro and Julia Fonseca, it says that unresolved conflicts over an FEIS among federal agencies can be referred by an agency to CEQ in DC.

It goes on to say that if a federal agency intends to refer a proposal to CEQ, it must first notify the lead agency, which I presume in this case is the USFS, of its intentions at the earliest possible time. The memo then says that EPA has provided this notice, and that if the issues in your Rosemont comments aren't resolved to your satisfaction, EPA can send a letter to the USFS and CEQ and request that no action be taken to implement the proposal until CEQ acts on the referral.

So my first question is: Are these statements in the county memo all accurate, including and particularly about EPA's position? If not could you please correct any inaccuracies?

2) The county memo also says that in the 40 years since NEPA was enacted, CEQ has accepted 27 formal referrals. Is that accurate? Also, was NEPA enacted in 1970? Also, how many times has a federal agency sought to review such a dispute to CEQ?

3) I realize this question is speculative, but given the infrequency of CEQ's acceptance of such referrals, do you think the odds aren't very good of this one being accepted? Conversely, is there some thing or things about this dispute that would make it a good candidate for CEQ referral?

4) Could EPA tell me or refer me to someone at CEQ or elsewhere who could tell me how long such CEQ reviews typically last?

5) Since sending in your comments on the Rosemont EIS, have you had any meetings with USFS on the concerns you raised? If so, how many?

Do you expect to have more meetings?

6) EPA has said the latest draft of the PA-FEIS has significant improvements over the DEIS, although you still have significant concerns. Does EPA still believe a supplemental EIS is needed for this project, given the additional research you requested? Or do you think it's now possible for USFS to address your concerns about the -- PA-FEIS without a supplemental?

7) Finally, since Aug. 15, have EPA and USFS made any significant progress toward resolving your agency's concerns about the FEIS? And, can you please tell me your view on the difficulty and/or likelihood of getting them resolved in time for a November publication of the FEIS?

Thank you very much and sincerely,

Tony Davis  
Arizona Daily Star

